

1 SENATE JOINT MEMORIAL 67

2 49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE PUBLIC EDUCATION DEPARTMENT, THE DEPARTMENT OF
12 FINANCE AND ADMINISTRATION'S OFFICE OF EDUCATION
13 ACCOUNTABILITY, THE LEGISLATIVE EDUCATION STUDY COMMITTEE AND
14 THE LEGISLATIVE FINANCE COMMITTEE TO EXAMINE ISSUES RELATED TO
15 REIMBURSEMENT OF BOTH STATE AND FEDERAL FLOW-THROUGH FUNDS AND
16 TO SUGGEST APPROPRIATE PROCEDURES FOR TIMELY REIMBURSEMENT OF
17 FUNDS TO SCHOOL DISTRICTS.

18
19 WHEREAS, the constitution of New Mexico was amended in
20 1986 to transfer the office of education in the department of
21 finance and administration to what was then the state
22 department of education and to establish a fifteen-member state
23 board of education, with ten members elected and five appointed
24 by the governor; and

25 WHEREAS, the constitution of New Mexico was again amended

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1 in 2003 to replace the elected and appointed board of education
2 with a cabinet department under the control of the executive
3 branch; and

4 WHEREAS, those supporting such a constitutional change
5 argued that a new governance structure would eliminate the
6 bureaucracy associated with a fifteen-member state board, would
7 allow for the public education department to be directly
8 accountable and responsive and would allow voters to hold the
9 governor accountable; and

10 WHEREAS, millions of much-needed new dollars will soon be
11 available to New Mexico as a result of the enactment of the
12 federal American Recovery and Reinvestment Act of 2009; and

13 WHEREAS, the state's access to those funds will depend
14 upon timely actions on the part of many areas of government;
15 and

16 WHEREAS, a number of issues, some of which continue from
17 the old school board days and some that have developed since
18 the change in governance, need to be addressed, including:

19 A. timely adoption and updating of rules to comply
20 with statutory changes;

21 B. monitoring of school district and charter school
22 audits;

23 C. timely reimbursements to school districts and
24 charter schools so that districts and charter schools may meet
25 their own financial obligations, such as meeting payroll;

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1 D. development of appropriate processes, including
2 applications, that need to be in place to allocate special
3 funds; and

4 E. distribution of funds so that school districts
5 and charter schools can use them rather than have them revert
6 unnecessarily;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that the public education department be
9 requested to work with the department of finance and
10 administration's office of education accountability, the
11 legislative education study committee and the legislative
12 finance committee to resolve these and other issues so that the
13 public education department can better perform its vital role
14 as public school advocate, regulator and technical advisor; and

15 BE IT FURTHER RESOLVED that the public education
16 department, the department of finance and administration's
17 office of education accountability, the legislative education
18 study committee and the legislative finance committee report
19 their progress and any recommendations for policy changes to
20 the second session of the forty-ninth legislature; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the secretaries of public education and finance
23 and administration and to the directors of the legislative
24 education study committee and the legislative finance
25 committee.

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